

Memorandum

To: Town and City Clerks and other local officials

From: Thomas A. Little, Chair, Legislative Apportionment Board

Date: September 8, 2021

Re: Role of Boards of Civil Authority in Reapportionment

Every 10 years, the first step of the reapportionment process is taken by the Legislative Apportionment Board (the “Board”) – a board appointed specifically for that purpose. The Vermont Constitution requires the Vermont General Assembly to be periodically reapportioned. Reapportionment involves the review and re-drawing of legislative districts to ensure that Vermont's citizens have equal representation in the General Assembly in accordance with the Fourteenth Amendment to the U.S. Constitution. You can find more information about the process, meetings, minutes, and the Board’s work thus far at: <https://sos.vermont.gov/apportionment-board/>.

The Board held its organizational meeting in September 2020 to start preparing for the work that lay ahead for it. The 2020 U.S. Census data were four months late in being released, slowing the Board’s progress. The General Assembly amended the Board’s statutes to extend its deadlines, including the deadline for sending Boards of Civil Authority its initial plan for House districts. That deadline is now October 25, 2021, and the Board is shooting for getting that initial House district proposal to BCAs by October 18, 2021.

By statute, the Board sends an initial, tentative proposal to the BCAs of (a) any town or city divided into two or more initial districts, and (b) any that are proposed to be combined with part or all of another town or city to form an initial district. See 17 V.S.A. section 1905. This is a crucial step and BCA input is invaluable to the Board’s continuing work.

As noted above, On or about October 18, the Board's staff at the Vermont Secretary of State's office will send the BCA of each affected town or city a map of the initial, tentative House district proposal. It is vital that the BCA consider this proposal and provide feedback to the Board. The BCAs are better situated than the Board to have the local knowledge that helps to judge the best place to draw a district line when it appears that an "internal" dividing line needs to be drawn. Upon request of any BCA, the Board will designate one of its members or staff to convene and preside (without vote) over a joint meeting of two or more BCAs, for the purpose of the BCAs making joint recommendations. Thus, the Board needs assistance from your own BCA, and in many cases from each BCA in a proposed multi-town district collaborating with the other BCAs in that proposed district.

17 V.S.A. §1905, as amended, sets a November 15, 2021 deadline for BCA feedback to the Board. We realize that this gives you a short turn-around time, which is why the Board is sending out this notice now. Again, the Board is relying on your knowledge of your town to aid in this first step of the House reapportionment process. Historically, the Board gives due weight to the recommendations and concerns of the BCAs and tries to adopt them wherever possible if consistent with the Board's statutory mandates. Where towns themselves do not agree on how a district is to be configured, that is challenging. On November 29, the Board must file its final

report and proposed House district plan with the Clerk of the House. (The deadline for the Board to file its proposed Senate re-districting plan with the Secretary of the Senate is the same, however, the Boards of Civil Authority have no role in that process.)

Please be watching for a mailing from the Vermont Secretary of State's office that will include information on your proposed district(s) in this initial draft. If you do not receive this information by October 20, please contact Eric Covey at the Secretary of State's office, [eric.covey@vermont.gov](mailto:eric.covey@vermont.gov) or (802) 828-2148.

Attached you will find a Memorandum with more detailed information regarding the BCA's role in the legislative apportionment process. A website with Census spreadsheets and other useful information is at <https://vcgi.vermont.gov/data-release/2020-census-data>. The website contains the Board's working drafts of the House reapportionment proposal.

Re-districting is a complex and challenging task, one which Vermonters naturally have strong feelings about. Our Constitutions (state and federal) require substantial equality of voting throughout the districts, and this has been the prime directive guiding the Board's proposal. The House districts are an interlocking constitutional, geographical and political "jigsaw puzzle," and when a district's population deviation compels an adjustment to its boundaries, the change ripples into the next district - and sometimes to several more districts. Those of you who are veterans of the reapportionment process know how this works! I expect that the input of all the affected BCAs will lead to a map that has many changes from the one you will receive.

Please share this Memorandum with all of the members of your Board of Civil Authority.

My Board email address is [Tom.Little@partner.vermont.gov](mailto:Tom.Little@partner.vermont.gov). The contact information for all members of the Apportionment Board is on our website.

Thank you.